

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE

ORDER NO. R9-2007-0070

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
FOR
MANDATORY MINIMUM PENALTIES
AGAINST
SOUTH ORANGE COUNTY WASTEWATER AUTHORITY
DISCHARGE TO THE PACIFIC OCEAN
THROUGH THE
SAN JUAN CREEK OCEAN OUTFALL
FOR
VIOLATION OF ORDER NO. R9-2000-0013 NPDES PERMIT NO. CA0107417**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), on March 5, 2007, having received a signed waiver of public hearing and having reviewed the allegations contained in Complaint No. R9-2007-0035, dated February 9, 2007, and on the recommendation of Administrative Assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$36,000, finds as follows:

1. South Orange County Wastewater Authority (SOCWA) discharges treated wastewater to the Pacific Ocean through the San Juan Creek Ocean Outfall in accordance with waste discharge requirements contained in Order No. R9-2000-0013, NPDES Permit No. CA0107417.
2. Order No. R9-2000-0013 established effluent limitations for the monthly average concentration of TCDD at 0.394 pg/L. SOCWA reported the concentration of TCDD (dioxin) in their discharge on May 1 and 2, 2006 at 3.15 pg/L. SOCWA violated the monthly average concentration of TCDD by greater than 20%. (Table 1: Violation Table)
3. Order No. R9-2000-0013 established effluent limitations for the monthly average mass loading of TCDD at 1.07E-07 lb/Day. SOCWA reported the mass loading for TCDD in their discharge on May 1-2, 2006 at 5.75E-07 lb/Day. SOCWA violated the monthly average TCDD mass loading by greater than 20%. (Table 1: Violation Table)
4. Order No. R9-2000-0013 established effluent limitations for the daily settleable solids concentration at 3.0 mg/L. SOCWA reported the concentration for settleable solids in their discharge on May 25 and June 7, 2006 as 5.0 mg/L and

- 3.2 mg/L respectively. SOCWA violated the daily settleable solids concentration on May 25, 2006 by greater than 40% and on June 7, 2006 by less than 20%. (Table 1: Violation Table)
5. Order No. R9-2000-0013 established effluent limitations for the 7-day average settleable solids concentration at 1.5 mg/L. SOCWA reported the concentration for settleable solids in their discharge on May 25, 26, 27, 28 and June 7 at 1.8 mg/L, 1.7, mg/L, 1.7 mg/L, 1.7 mg/L and 1.7 mg/L respectively. SOCWA violated the effluent limitation for 7-day average concentration of settleable solids on May 25, 26, 27, and June 7, 2007 by less than 20%. (Table 1: Violation Table)
 6. Order No. R9-2000-0013 established effluent limitations for the 30-day average settleable solids concentration at 1.0 mg/L. SOCWA reported the concentration for settleable solids in their discharge on June 4, 7, and 11, 2007 at 1.1 mg/L on each day. SOCWA violated the effluent limitation for 30-day average concentration of settleable solids on June 4, 7, and 11, 2007 by less than 20%. (Table 1: Violation Table)
 7. Consideration of the factors prescribed in California Water Code 13385(e) based upon information available to the Regional Board supports an assessment of civil liability pursuant to California Water Code sections 13385 (h) and (i) in the amount of thirty-six thousand dollars (\$36,000).
 8. On March 5, 2007 SOCWA tendered an offer to settle the liability proposed in the Complaint. The settlement offer includes:
 - a. SOCWA's waiver of its right to a hearing.
 - b. Payment of the \$36,000 administrative civil liability as follows:
 - i. Pay \$10,500 to the State Water Resources Control Board for deposit into Cleanup and Abatement Account, and
 - ii. Pay the Southern California Coastal Waters Research Project (SCCWRP) \$25,500 to fund a Supplemental Environmental Project (SEP) for the purpose of expanding the Doheny Epidemiology Study to include waters adjacent to San Juan Creek Ocean Outfall.
 9. The Regional Board incurred costs of \$4,500 to prosecute the enforcement action; the costs include investigation, preparation of enforcement documents, communicating with the Discharger and preparation of materials for public review and hearing.

10. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15521, Chapter 33, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on SOCWA in the amount of thirty-six thousand dollars (\$36,000).

1. SOCWA shall make a payment of \$10,500 to the State Water Resources Control Board for deposit into the Cleanup and Abatement Account, and
2. SOCWA shall pay \$25,500 to SCCWRP to fund a SEP for the expansion of the Doheny Epidemiology Study.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on May 9, 2007.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer